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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,552	03/25/2004	Yasushi Yatsuda	ST3001-0038	4922
39083 75	9083 7590 09/21/2005		EXAMINER	
CERMAK & KENEALY, LLP 515 EAST BRADDOCK RD SUITE B			TON, ANABEL	
Alexandria, VA 22314			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)			
_	10/808,552	YATSUDA ET AL.			
Office Action Summary	Examiner	Art Unit			
	Anabel M. Ton	2875			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timwill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) ☐ Responsive to communication(s) filed on 25 № 2a) ☐ This action is FINAL . 2b) ☐ This 3) ☐ Since this application is in condition for allowardlessed in accordance with the practice under № 25 № 25 № 25 № 25 № 25 № 25 № 25 № 2	s action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4) Claim(s) 1-20 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) 1-4,6-10 and 12 is/are rejected. 7) Claim(s) 5,11 and 13-20 is/are objected to. 8) Claim(s) are subject to restriction and/o Application Papers 9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine 11.	wn from consideration. or election requirement. er. cepted or b) objected to by the drawing(s) be held in abeyance. Section is required if the drawing(s) is objected.	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:				

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1,6,7,9,10 are rejected under 35 U.S.C. 102(e) as being anticipated by Begemann et al (6,601,982).
- 3. Begemann et al discloses a base; a plurality of LED elements located adjacent the base, wherein each of the LED elements is arranged in such a manner as to form an emission shape suited for a light distribution pattern for a vehicle headlight (4, 11-13, fig 2); at least some of the LED elements are arranged along a given linear ridgeline(C, fig 2); at least some of the LED elements are arranged along two linear ridgelines (A, C, fig 2) the base includes at least one cavity and the plurality of LED elements are mounted in the at least one cavity located in the base (Begemann discloses the LED's are part of multi chip packages that inherently have a substrate or PCB for mounting the LED's, the LED leads are connected to the substrate of PCB through holes for the leads thus satisfying the limitation for "cavity); each of the LED elements are arranged in such a manner as to form a brightness distribution suitable for a vehicle headlight.

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Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 2-4,8,12 rejected under 35 U.S.C. 103(a) as being unpatentable over Begemann et al.
- 6. Begemann et al discloses the claimed invention except for the recitation of the LED elements being rectangular or triangular or parallelogrammic in exterior shape. It would have been obvious to one of ordinary skill in the art at the time the invention was made to shape the LED's of Begemann in the aforementioned shapes, since it has been held by the courts that a change in shape or configuration, without any criticality, is nothing more than one of numerous shapes that one of ordinary skill in the art will find obvious to provide based on the suitability for the intended final application. See *In re Dailey*, 149 USPQ 47 (CCPA 1976). It appears that the disclosed device would perform equally well shaped as disclosed by Begemann since the purpose of emitting a desired light emission is satisfied.
- 7. With regards to the LED elements being different in size, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the LED's of Begemann to be different in size, since it has been held by the courts that, where the only difference between the prior art and the claims was a recitation of

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relative dimensions of the claimed device, and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984).

8. With regards to the two linear ridgelines are at a given angle with respect to each other, and the given angle is between approximately 15 and 45 degrees, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place the ridge lines of Begemann at the aforementioned angles, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art. *In re Aller*, 105 USPQ 233.

Allowable Subject Matter

- 9. Claim 5,11,13-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 10. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not disclose a drive device capable of supplying different drive currents to the LED elements, wherein at least one of the LED elements is driven by a different drive current as compared to another of the LED elements; a light shielding device located adjacent the base and formed in the shape of a light distribution pattern, wherein each of the LED elements is arranged in such a manner as

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to correspond to the shape of the light shielding device; a plurality of LED elements located adjacent the base and formed in a non-symmetrical array such that light emitted from the LED elements forms a light distribution pattern.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton Examiner Art Unit 2875

> Supervisory Patent Examiner Technology Center 2800

AMT